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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/667,198	09/22/2003	Michikazu Sakurai	116692004600	7175
25227 7590 02/03/2010 MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 400 MCLEAN, VA 22102				
EXAMINER				
FISHER, MICHAEL J				
ART UNIT		PAPER NUMBER		
3689				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/667,198

Applicant(s)

SAKURAI ET AL.

Examiner

MICHAEL J. FISHER

Art Unit

3689

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☐ Claim(s) _____ is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-19,22-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over US PAT 7,099,742 to Satake et al. (Satake).

As to claims 1,22,25, Satake discloses an estimation system with a storage unit (computer memory, fig 11), for storing data (inherent in computer memory), an input unit (used to input data for such things as the form in fig 6), a control circuit to calculate the estimation of the product based on the estimate function (fig 7).

Satake does not, however, teach using the system to manufacture harnesses. It would have been obvious to one of ordinary skill in the art to use the system as taught by Satake for manufacturing harnesses as Satake teaches this as a good way to control the manufacture process and harnesses are manufactured items.

As to claims 2,23,26,27, there is a communication unit (49).

As to claims 3,24, data is transferred via the communication unit to and from external terminals (in the branch offices as seen in fig 1), thereby meeting the limitations as claimed.

As to claims 4,28, it would be inherent that data is sent to a specific computer or else there could be no control on who is receiving that data. 88

As to claims 5-8,29-32, Satake discloses computing the cost per item (fig 33).

As to claims 9,33, there is a step of acquiring processing condition (fig 4), a step of storing data (fig 6), a step of calculating the cost/price (fig 33), steps of reading the data (fig 11), a step of outputting the cost/price (fig 33).

As to claims 10,34, instrument time is calculated (col 86, lines 55-59).

As to claims 11,35, the system acquires processing condition information (as it acquires information on the processing of the item), the information about time estimate is stored (as previously discussed), instrument time is calculated and stored (as discussed), the information is stored (as previously discussed).

As to claims 12,36, Satake discloses computing, outputting and storing the cost (fig 33).

As to claims 13,37, instrument time is calculated, outputted and stored (col 86, lines 55-59).

As to claims 14,38, Satake does not specifically mention tallying labor costs, however, it would have been obvious to one of ordinary skill in the art to include labor

costs in the data entered, transferred and stored, as these costs affect the cost of the product.

As to claims 15,39, Satake discloses knowing and storing the times (as discussed).

As to claims 16,40, there is a planning cost step (as discussed), the data is entered, calculated and stored (as previously discussed).

As to claims 17,41, Satake does not specifically mention tallying labor costs, however, it would have been obvious to one of ordinary skill in the art to include labor costs in the data entered, transferred and stored, as these costs affect the cost of the product.

As to claims 18,42, Satake discloses computing, outputting and storing the cost (fig 33).

As to claims 19,43, this data is outputted (as previously discussed).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL J. FISHER whose telephone number is (571)272-6804. The examiner can normally be reached on Mon.-Fri. 7:30am-5:00pm alt Fri. off.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael J Fisher/
Examiner, Art Unit 3689
MF
3/16/09